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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09/940,550	08/27/2001	Mankin	16313-0055
EXAMINER		Fox	
ART UNIT	PAPER	1638 050304	

DATE MAILED:

05/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The amendment after final, filed 12 March 2004, has been entered. The following Examiner's Amendments have been made in order to correct minor informalities. After entry of the after final amendment and the examiner's amendments, all claims are allowable. However, prosecution is hereby suspended as set forth below.

**Examiner's Amendment**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

**IN THE CLAIMS:**

Non-elected claims 10-20, 26, 28-29 and 39-60 were cancelled without prejudice.

Claims 5, 9, 21, 25, 34 and 38 were amended as follows:

In claims 5 and 34, line 2, "a sequence as shown in" was deleted.

In claims 9 and 38, line 3, ---promoter--- was inserted before the period.

In claim 21, line 2, "1-9" was replaced with ---1 and 4-9---.

---Claim 25 (currently amended). A seed produced by the plant of Claim 22,

wherein said seed comprises said excisable polynucleotide.---

Authorization for this examiner's amendment was given in a telephone interview with William Warren on 22 April 2004.

**Suspension**

A reference relevant to the examination of this application may soon become available. *Ex parte* prosecution is SUSPENDED FOR A PERIOD OF SIX (6) MONTHS

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from the date of this letter. Upon expiration of the period of suspension, applicant should make an inquiry as to the status of the application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David T. Fox whose telephone number is (571) 272-0795. The examiner can normally be reached on Monday through Friday from 10:30AM to 7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amy Nelson, can be reached on (571) 272-0804. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-1600.

May 3, 2004

DAVID T. FOX  
PRIMARY EXAMINER  
GROUP 160-1638

*Received 24*